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Attorney for Plaintiff Worrells

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

WESLEY WORRELLS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. F05-0025CV (RRB)
	)	
SAM'S WEST, INC.,	)	
d/b/a SAM'S CLUB #6603	)	
	)	
Defendant.	)	
_____	)	

MEMORANDUM IN SUPPORT OF  
PLAINTIFF WORRELLS' MOTION FOR LEAVE  
TO FILE SECOND AMENDED COMPLAINT

Wesley Worrells ("Worrells") seeks leave to add a federal claim to his current state-based claim for overtime compensation.

This motion is timely under the Court's recent Scheduling Order, which sets April 3, 2006, as the deadline for amendments.

Defendant Sam's will suffer no surprise or prejudice: Worrells had earlier pleaded an FLSA claim, but withdrew it in an attempt to stay in state court. Sam's, nonetheless, removed



this matter to federal court. Consequently, Worrells here seeks to reinstate the FLSA claim.

Worrells has lodged an appropriate order.

Dated this 28<sup>th</sup> day of February, 2006, at Fairbanks, Alaska.

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/s/ William B. Schendel

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 28, 2006, a copy of the foregoing, **Memorandum in Support of Plaintiff Worrells' Motion for Leave to File Second Amended Complaint**, was served electronically on the following:

William A. Earnhart  
Lane Powell PC  
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Anchorage, Alaska 99503-2648

/s/ William B. Schendel  
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